

IC 22-12

ARTICLE 12. FIRE SAFETY, BUILDING, AND EQUIPMENT LAWS: GENERAL ADMINISTRATION

IC 22-12-1

Chapter 1. Definitions

IC 22-12-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article, IC 22-13, IC 22-14, and IC 22-15.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-2

"Agricultural purpose"

Sec. 2. "Agricultural purpose" includes farming, dairying, pasturage, apiculture, horticulture, floriculture, vitaculture, ornamental horticulture, olericulture, pomiculture, animal husbandry, and poultry husbandry.

As added by P.L.245-1987, SEC.1. Amended by P.L.5-1988, SEC.119.

IC 22-12-1-2.2

"ANSI"

Sec. 2.2. "ANSI" refers to the American National Standards Institute.

As added by P.L.119-2002, SEC.1.

IC 22-12-1-2.3

"ASME"

Sec. 2.3. "ASME" refers to the American Society of Mechanical Engineers.

As added by P.L.119-2002, SEC.2.

IC 22-12-1-2.5

"ASTM"

Sec. 2.5. "ASTM" refers to the American Society for Testing and Materials.

As added by P.L.166-1997, SEC.1.

IC 22-12-1-3

"Building law"

Sec. 3. "Building law" means any equipment law or other law governing any of the following:

- (1) Fabrication of an industrialized building system or mobile structure for installation, assembly, or use at another site.
- (2) Construction, addition, or alteration of any part of a Class 1 or Class 2 structure at the site where the structure will be used.
- (3) Assembly of an industrialized building system or mobile structure that is covered by neither subdivision (1) nor (2).

As added by P.L.245-1987, SEC.1. Amended by P.L.222-1989, SEC.2; P.L.22-2005, SEC.31.

IC 22-12-1-3.5

"Bull ride simulator"

Sec. 3.5. (a) "Bull ride simulator" means a device designed to simulate:

(1) a rodeo bull ride; or
(2) a similarly challenging ride upon another type of animal; by subjecting the rider to a wide range of abrupt motion produced by mechanical, electrical, or hydraulic means. The term includes a multiride electric unit with a bull ride attachment.

(b) The term does not include devices that:

- (1) resemble animals; and
- (2) are designed:
 - (A) as an entertainment device;
 - (B) to operate rhythmically within a restricted range of motion; and
 - (C) for use by children.

As added by P.L.25-2004, SEC.4. Amended by P.L.166-2005, SEC.1.

IC 22-12-1-3.6

"Bungee jump facility"

Sec. 3.6. "Bungee jump facility" means a device or structure used for bungee jumping.

As added by P.L.32-2006, SEC.1.

IC 22-12-1-3.7

"Bungee jumping"

Sec. 3.7. "Bungee jumping" means a fall or jump from a height by an individual who is attached to an elastic cord that prevents the individual from hitting the ground, water, or other solid, semisolid, liquid, or elastic surface.

As added by P.L.32-2006, SEC.2.

IC 22-12-1-4

"Class 1 structure"

Sec. 4. (a) "Class 1 structure" means any part of the following:

- (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - (A) The public.
 - (B) Three (3) or more tenants.
 - (C) One (1) or more persons who act as the employees of another.
- (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
- (3) Outdoor event equipment.
- (4) Any class of buildings or structures that the commission determines by rules to affect a building or structure described

in subdivision (1), except buildings or structures described in subsections (c) through (f).

(b) Subsection (a)(1) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:

(1) are intended to be or are used or leased by the owner of the unit; and

(2) are not completely separated from each other by an unimproved space.

(c) Subsection (a)(1) does not include a building or structure that:

(1) is intended to be or is used only for an agricultural purpose on the land where it is located; and

(2) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.

(d) Subsection (a)(1) does not include a Class 2 structure.

(e) Subsection (a)(1) does not include a vehicular bridge.

(f) Subsection (a)(1) does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

(1) the structure; or

(2) mechanical or electrical equipment located within and affixed to the structure.

As added by P.L.245-1987, SEC.1. Amended by P.L.223-1989, SEC.1; P.L.23-1993, SEC.149; P.L.2-2002, SEC.72; P.L.141-2003, SEC.2; P.L.92-2012, SEC.2; P.L.142-2013, SEC.2.

IC 22-12-1-5

"Class 2 structure"

Sec. 5. (a) "Class 2 structure" means any part of the following:

(1) A townhouse or a building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

(2) An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, including an above ground swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(b) Subsection (a) does not include a vehicular bridge.

(c) For purposes of subsection (a)(1), "townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit:

(1) extends from foundation to roof;

(2) is not more than three (3) stories in height;

(3) is separated from each adjoining unit by:

(A) two (2) one (1) hour fire-resistance rated walls with exposure from both sides; or

(B) a common two (2) hour fire-resistance rated wall; and

(4) has open space on at least two (2) sides.

As added by P.L.245-1987, SEC.1. Amended by P.L.72-2008, SEC.1;

P.L.218-2014, SEC.5.

IC 22-12-1-6

"Commission"

Sec. 6. "Commission" refers to the fire prevention and building safety commission.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-7

"Construction"

Sec. 7. "Construction" means any of the following:

- (1) Fabrication of any part of an industrialized building system or mobile structure for use at another site.
- (2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.
- (3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.
- (4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.
- (5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-8

"Control"

Sec. 8. "Control" means authority to create, change, or eliminate a condition or to initiate, regulate, or terminate conduct that is based on any of the following:

- (1) An agency, employment, or contractual relationship.
- (2) A possessory or nonpossessory ownership or leasehold interest in property.
- (3) A contractual right to possess or use property.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-9

"Department"

Sec. 9. "Department" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.245-1987, SEC.1. Amended by P.L.22-2005, SEC.32.

IC 22-12-1-10

"Education board"

Sec. 10. "Education board" refers to the board of firefighting personnel standards and education.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-11**"Equipment law"**

Sec. 11. "Equipment law" means a statute or rule under this article, IC 22-13, or IC 22-15 that applies to the design, manufacture, fabrication, assembly, installation, alteration, repair, maintenance, operation, or inspection of a regulated amusement device, boiler, lifting device, or pressure vessel.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-12**"Fire department"**

Sec. 12. "Fire department" means a paid fire department or volunteer fire department that renders fire prevention or fire protection services to a political subdivision.

As added by P.L.245-1987, SEC.1. Amended by P.L.1-1999, SEC.54.

IC 22-12-1-13**"Fire safety law"**

Sec. 13. "Fire safety law" means any building law, equipment law, or other law safeguarding life or property from the hazards of fire or explosion.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-14**"Industrialized building system"**

Sec. 14. "Industrialized building system" means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-15**"Law"**

Sec. 15. "Law" includes any statute, rule, ordinance, or other regulation.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-16**"Manufactured home"**

Sec. 16. "Manufactured home" has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 2003.

As added by P.L.245-1987, SEC.1. Amended by P.L.222-1989, SEC.3; P.L.141-2003, SEC.3.

IC 22-12-1-17**"Mobile structure"**

Sec. 17. (a) "Mobile structure" means any part of a fabricated unit

that is designed to be:

- (1) towed on its own chassis; and
 - (2) connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.
- (b) The term includes the following:
- (1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.
 - (2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.
 - (3) One (1) or more units that include a hoisting and lowering mechanism equipped with a platform that:
 - (A) moves between two (2) or more landings; and
 - (B) is used to transport one (1) or more individuals.

As added by P.L.245-1987, SEC.1. Amended by P.L.101-2006, SEC.31.

IC 22-12-1-17.5

"Outdoor performance"

Sec. 17.5. "Outdoor performance", as the term applies to outdoor event equipment, means:

- (1) a movie or show;
- (2) an exhibit;
- (3) a concert;
- (4) a performance of dance;
- (5) a musical, dramatic, or comedy performance;
- (6) a sporting or athletic match, exhibition, or contest; or
- (7) another amusement or entertainment;

conducted outside at a location for which an amusement and entertainment permit is required under IC 22-14-3.

As added by P.L.92-2012, SEC.3. Amended by P.L.142-2013, SEC.3.

IC 22-12-1-17.7

"Outdoor event equipment"

Sec. 17.7. "Outdoor event equipment" means any temporary or permanent towers, booms, ramps, platforms, overhead assemblies, or other structures, including ancillary rigging, that are used or are intended to be used in connection with an outdoor performance and that are not otherwise attached or anchored to, or otherwise a part of, another Class 1 structure.

As added by P.L.92-2012, SEC.4. Amended by P.L.142-2013, SEC.4.

IC 22-12-1-18

"Person"

Sec. 18. "Person" means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

As added by P.L.245-1987, SEC.1. Amended by P.L.8-1993, SEC.298.

IC 22-12-1-18.7**"Qualified entity"**

Sec. 18.7. "Qualified entity" means:

- (1) a volunteer fire department (as defined in IC 36-8-12-2);
- (2) the executive of a township providing fire protection under IC 36-8-13-3(a)(1); or
- (3) a municipality providing fire protection to a township under IC 36-8-13-3(a)(2) or IC 36-8-13-3(a)(3).

As added by P.L.70-1995, SEC.3. Amended by P.L.90-1997, SEC.4; P.L.1-1999, SEC.55.

IC 22-12-1-19**Repealed**

(Repealed by P.L.1-1990, SEC.240.)

IC 22-12-1-19.1**"Regulated amusement device"**

Sec. 19.1. (a) "Regulated amusement device" means a device designed to carry or convey one (1) or more persons in one (1) or more planes or degrees of motion for the purpose of amusement, recreation, or entertainment.

(b) The term includes the following:

- (1) An amusement ride.
- (2) A ski lift.
- (3) A passenger tramway.
- (4) An aerial tramway or lift.
- (5) A surface lift or tow.
- (6) A bull ride simulator.
- (7) A bungee jump facility.

(c) The term does not include a passenger operated device or an inflatable amusement chamber.

As added by P.L.1-1990, SEC.241. Amended by P.L.166-1997, SEC.2; P.L.25-2004, SEC.5; P.L.32-2006, SEC.3.

IC 22-12-1-20**Repealed**

(Repealed by P.L.141-2003, SEC.23.)

IC 22-12-1-21**Repealed**

(Repealed by P.L.123-2002, SEC.51.)

IC 22-12-1-22**"Regulated lifting device"**

Sec. 22. (a) "Regulated lifting device" means any part of the components, enclosures, and equipment necessary for the operation of the following:

- (1) A hoisting and lowering mechanism, equipped with a car or a platform, that moves between two (2) or more landings, including the following:

(A) An elevator, as defined in the Safety Code for Elevators and Escalators, an American National Standard, as adopted by ASME A17.1, and the Safety Code for Existing Elevators and Escalators, an American National Standard, as adopted by ASME A17.3.

(B) A platform lift and stairway chair lift, as defined in the Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard, as adopted by ASME A18.1.

(C) A personnel hoist within the scope of ANSI A10.4 (Safety Requirements for Personnel Hoists).

(D) A manlift within the scope of ANSI A90.1 (Safety Code for Manlifts).

(2) A power driven stairway or walkway equipped to transport persons between landings, including:

(A) an escalator; and

(B) a moving walk;

as defined in the Safety Code for Elevators and Escalators, an American National Standard, as adopted by the ASME A17.1, and the Safety Code for Existing Elevators and Escalators, an American National Standard, as adopted by the ASME A17.3.

(3) A hoisting and lowering mechanism, equipped with a car or a platform, that serves two (2) or more landings and is restricted to the carrying of materials by its limited size or limited access to the car, including:

(A) a dumbwaiter; and

(B) a material lift and dumbwaiter with an automatic transfer device;

as defined in the Safety Code for Elevators and Escalators, and American National Standard, as adopted by ASME A17.1, and the Safety Code for Existing Elevators and Escalators, an American National Standard, as adopted by ASME A17.3.

(4) An automatic guided transit vehicle on a guideway with an exclusive right-of-way, including an automated people mover, as defined in the Automated People Mover Standard 21, as adopted by the American Society of Civil Engineers (ASCE).

(b) The term does not include the following:

(1) A belt, bucket, roller, or similar type conveyor.

(2) A tiering or piling machine that is used to move materials to and from storage and located and operated entirely within one (1) story.

(3) A mobile scaffold, tower, and platform within the scope of ANSI A92.

(4) A hoist that is used for raising or lowering materials and that has unguided hooks, slings, or similar means for attaching materials.

(5) A skip or furnace hoist.

(6) A wharf ramp.

(7) A conveyor and related equipment within the scope of ASME B20.1.

- (8) A stage or orchestra lift.
- (9) An industrial truck within the scope of ASME B56.
- (10) A railroad car lift or dumper.
- (11) A hillside inclined lift.
- (12) Any lifting device in a private residence.
- (13) A line jack, false car, shafter, moving platform, or similar equipment used for installing an elevator by an elevator contractor licensed under IC 22-15-5-7.
- (14) A materials conveyor with a platform.
- (15) A powered platform and equipment for exterior and interior maintenance within the scope of ANSI 120.1.

As added by P.L.245-1987, SEC.1. Amended by P.L.224-1989, SEC.2; P.L.119-2002, SEC.3.

IC 22-12-1-23

"Regulated place of amusement or entertainment"

Sec. 23. "Regulated place of amusement or entertainment" refers to the following:

- (1) A theater, opera house, movie theater, dance hall, night club with a stage or floor show, or another place that offers an amusement or entertainment to the public for consideration or promotional purposes.
- (2) A place where a boxing, sparring, or unarmed combat match or exhibition is conducted under the supervision of the state athletic commission.
- (3) A hall, gymnasium, or place of assembly where a school, college, university, social or fraternal organization, lodge, farmers organization, society, labor union, trade association, or church holds any type of amusement.
- (4) A public or private place where a regulated amusement device is operated.

As added by P.L.245-1987, SEC.1. Amended by P.L.160-2009, SEC.3.

IC 22-12-1-23.3

Repealed

(Repealed by P.L.107-2007, SEC.18.)

IC 22-12-1-23.6

"Stand"

Sec. 23.6. "Stand" means a structure, booth, or table for display and sale of farm produce.

As added by P.L.223-1989, SEC.2.

IC 22-12-1-24

"Structure"

Sec. 24. "Structure" includes swimming pool.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-25

"Rules board"

Sec. 25. "Rules board" refers to the boiler and pressure vessel rules board.

As added by P.L.245-1987, SEC.1.

IC 22-12-1-26

"Vehicular bridge"

Sec. 26. "Vehicular bridge" means any bridge that is neither:

(1) a pedestrian walkway; nor

(2) a passageway for light vehicles;

suspended between two (2) or more parts of a building or between two (2) or more buildings.

As added by P.L.245-1987, SEC.1.